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18 **UNITED STATES DISTRICT COURT**
19 **EASTERN DISTRICT OF WASHINGTON**
20 **AT SPOKANE**

21 JAN M. RENFROE,

22 Plaintiff,

23 v.

24 QUALITY LOAN SERVICE CORP. OF
25 WASHINGTON *et al*,

26 Defendants.

Case No.: 2:17-cv-00194-SMJ

**CITIBANK, N.A., AS TRUSTEE OF
NRZ PASS-THROUGH TRUST
VI'S MOTION TO STRIKE JURY
DEMAND**

27 Defendant Citibank, N.A., as trustee of NRZ Pass-Through Trust VI moves for an
28 order striking plaintiff Jan M. Renfroe's jury demand.

I. INTRODUCTION

Ms. Renfroe's only has one remaining claim: a quiet title claim. She does not have a
right to a jury on this claim. The court should strike her jury demand and re-set this case for

CITIBANK, N.A. AS TRUSTEE OF NRZ - 1
PASS-THROUGH TRUST VI'S MOTION TO
STRIKE JURY DEMAND
NO. 2:17-CV-00194-SMJ

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1 a bench trial.

2 **II. PROCEDURAL HISTORY**

3 **A. The court previously granted summary judgment**

4 Ms. Renfroe commenced this action in 2017, asserting claims for (1) declaratory
5 relief (premised on an alleged DTA violations); (2) injunctive relief (premised on alleged
6 DTA violations); (3) CPA violations; and (4) quiet title. (ECF No. 1-1.) She filed a jury
7 demand on June 8, 2017. (ECF No. 3.)

8 Citibank and Mortgage Electronic Registration Systems, Inc. (**MERS**) moved for
9 summary judgment. (ECF No. 4.) The court granted the motion in December 2017. (ECF
10 No. 78.) The court found defendants "acted with proper authority and in compliance with the
11 DTA" in awarding summary judgment on the declaratory relief and injunction claims
12 (collectively, the **DTA claims**). (ECF No. 78 at 14-15.) The court found the quiet title claim
13 fails as a matter of law because Bank of America, N.A. "timely initiated foreclosure when it
14 sent the 2014 notice of default." (*Id.* at 14-15.) The court granted summary judgment on the
15 CPA claim because Ms. Renfroe "fails to allege facts sufficient to establish a prima facie
16 case for a private [cause of action]." (*Id.* at 18.)

17 **B. The Ninth Circuit remanded the quiet title claim**

18 Ms. Renfroe appealed the court's ruling to the Ninth Circuit. (ECF No. 86.) It
19 initially affirmed this court's summary judgment order in its entirety. (ECF No. 94.) But
20 then it revised its opinion to affirm in part and reverse in part. (ECF. No. 100.) It affirmed
21 the court's decision to grant summary judgment on the DTA and CPA claims, but vacated the
22 order granting summary judgment on the quiet title claim. (*Id.* at 2.) The court did so
23 because "[a]fter [this] court issued its order, there were significant developments in
24 Washington case law" bearing on the statute of limitations issue Ms. Renfroe's claim
25 presents. (*Id.* at 4.) The court issued its mandate in August 2019. (ECF No. 102.)

26 ///

1 **C. Ms. Renfroe then secured leave to amend, but opted not to amend**

2 Ms. Renfroe moved for leave to amend following the mandate. (ECF No. 109.) Her
3 motion explains "[n]ew facts came to light after filing the appeal" demonstrating Citibank
4 and defendant Quality Loan Service Corp. of Washington "did not act in good faith" and
5 "[a]dditional facts are added . . . to address the Court of Appeals ruling." (*Id.* at 2.) The
6 court granted the motion in part in February, instructing Ms. Renfroe to file an amended
7 complaint consistent with the court's ruling by February 17, 2020. (ECF No. 114.)

8 Ms. Renfroe did not file an amended complaint and instead informed the undersigned
9 she would not be amending, and that Citibank needed to answer the original complaint.
10 Citibank subsequently filed its answer, answering the allegations in the original complaint.
11 (ECF No. 115.) Citibank answered all allegations in abundance of caution, but based on the
12 Ninth Circuit's order, Ms. Renfroe's quiet title claim—as pled in the original complaint—is
13 her only remaining claim.
14

15 **D. This case is set for a jury trial**

16 The court entered a scheduling order on November 13, 2019. (ECF No. 106.) The
17 court set a six-day jury trial beginning on November 30, 2020. (*Id.* at 15.)

18 **IV. ARGUMENT**

19 Ms. Renfroe's only remaining claim is a quiet title claim. "[T]he law is clear that if
20 the remedy sought is to quiet title . . . it is not to be tried by a jury." *In re Bays*, No. A03-
21 00237-JAR, 2010 WL 3190578 (Bankr. E.D. Wash. Aug. 11, 2020) (citations omitted).
22 "This view has been adopted not only by the federal courts but also by the State of
23 Washington going back to territorial days." *Id.* (citing *Durrah v. Wright*, 115 Wash. App.
24 634, 641 (2003); *Finch v. Matthews*, 74 Wash.2d 161, 166 (1968)). The court should strike
25 Ms. Renfroe's jury demand accordingly.

26 *In re Bays* is instructive. There, the plaintiff sought to quiet title to a particular
27 property and demanded a jury. 2010 WL 3190578, at *1, *3. The bankruptcy trustee
28

1 contended the plaintiff's interest had been forfeited. *Id.* Characterizing the action as "an
2 action for quiet title," the court concluded the plaintiff "is not entitled to a jury trial on the
3 issues before the court." *Id.* at *4.

4 **VI. CONCLUSION**

5 Ms. Renfroe does not have a right to a jury trial on her quiet title claim. The court
6 should strike her jury demand and re-set this case for a bench trial.

7 DATED this 25th day of June, 2020.

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